

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAHEEM SHABAZZ,

Plaintiff,

-v-

9:10-CV-1212 (NAM/DRH)

**G.R. BEZIO, Correction LT., Clinton Annex
Correctional Facility; E. RICE, Correction Sgt.;
Clinton Annex Correctional Facility; and P. CHASE,
Correction Lt., Clinton Annex Correctional Facility,**

Defendants.

APPEARANCES:

Raheem Shabazz
96-A-5174
Wyoming Correctional Facility
Post Office Box 501
Attica, New York 14011
Plaintiff *pro se*

Hon. Eric T. Schneiderman, Attorney General for the State of New York
Charles J. Quackenbush, Esq., Assistant Attorney General
The Capitol
Albany, New York 12224-0341
Attorney for Defendants

Hon. Norman A. Mordue, U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

Defendants move (Dkt. No. 17) to dismiss the complaint under Fed. R. Civ. P. 12(b)(6).

Upon referral pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c), United States

Magistrate Judge David R. Homer issued a Report and Recommendation (Dkt. No. 21)

recommending that defendants' motion be granted and the case dismissed.

Plaintiff objects (Dkt. No. 22). Upon *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(C), this Court accepts Magistrate Judge Homer's Report and Recommendation and

dismisses the complaint.

It is therefore

ORDERED that the Report and Recommendation of United States Magistrate Judge David R. Homer (Dkt. No. 21) is accepted; and it is further

ORDERED that the motion (Dkt. No. 17) to dismiss is granted and the case dismissed; and it is further

ORDERED that the Clerk of the Court is directed to serve copies of this Memorandum-Decision and Order in accordance with the Local Rules of the Northern District of New York.

IT IS SO ORDERED.

February 8, 2012
Syracuse, New York


Honorable Norman A. Mordue
U.S. District Judge